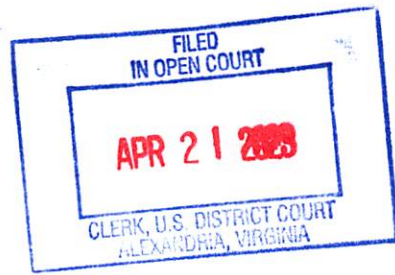


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



UNITED STATES OF AMERICA

v.

No. 1:17-CR-270 (LMB)

AHMED AMEER MINNI, *et al.*

Defendant.

STATEMENT OF FACTS

The United States and the defendant, Ahmed Ameer Minni, agree that at trial the United States would have proven the following facts beyond a reasonable doubt with admissible and credible evidence:

On or about the following dates, Ahmed Ameer Minni, Ramy Said Zamzam, Aman Hassan Yemer, Umar Farooq Chaudhry, and Waqar Hussain Khan (collectively "the defendants") committed, or knew of and ratified, the following overt acts in furtherance of the conspiracy charged in Count Three of the Indictment:

YOUTUBE POSTINGS

1. On or about May 28, 2009, Yemer posted a comment on his YouTube account in reply to someone who said "Islam is the enemy of civilization" and who implied that he was going to Afghanistan to fight the Taliban. Yemer responded:

The only rapists are the stupid U.S. soldiers who go to Iraq and Afghanistan then rape and murder innocent people. Approximately [655,000] from March 2003 to July 2006 have died from the illegal Iraqi occupation and only a 4-5 thousand from the U.S.... Those who have been expelled from their homes unjustly only because they said: "Our Lord is Allah." ... "O you who believe fight those of the unbelievers near you and let them see how harsh you can be. Know that Allah is with the righteous."

COMMUNICATIONS WITH THE RECRUITER

2. In or about May through August 2009, Minni was contacted by a recruiter by the name of "Saifullah" (which translates to "Sword of Allah") as a result of Minni's postings about *jihadist* videos on YouTube. "Saifullah" encouraged Minni to travel to Pakistan to engage in violent *jihad*. In or about the same time, Yemer was also in contact with "Saifullah." "Saifullah" provided guidance on how to travel in Pakistan in a manner that would not arouse suspicion, including that the defendants should be clean shaven.

3. "Saifullah" used the YouTube user name "SwordofAllah74." Minni's "nawminni" YouTube channel listed "SwordofAllah74" among his subscribers, subscriptions, and "friends." The "SwordofAllah74" account was registered from an IP address in Pakistan in or about August 2009. The "SwordofAllah74" account contains a photograph of a male subject in camouflage clothing, with his face covered, holding a gun and a sign reading, in English, "In the Name of Allah, SwordofAllah74, Taliban, 12-2-09."

4. On or about August 25, 2009, Minni wrote to another YouTube user, "I see that you're friends with SwordofAllah74. I was wondering if he sent an invitation to you to go out [to join in *jihad*]? If so, have you replied back yet?"

5. On September 10, 2009, Minni sent a message to "Saifullah" at another YouTube account, "AKM68r," saying:

I'm going to have to kindly decline your invitation. I still have my study's to take care of. I do know, however, of a brother that is really interested in [*jihad*]. He recently got a very nice haircut and is ready to travel and spread islam IA [i.e., "Insha'Allah," meaning "Allah willing."]

6. Less than half an hour later, Yemer wrote to AKM68r:

I hope nawminni told you about me. I would like to travel and [engage in *jihad*] insh'Allah. I will try to bring along some more brothers too if that's ok insh'Allah. Please tell me everything I should know brother. I have already started making preparations for this wonderful opportunity. Insh'Allah we will meet soon!!

7. The next day, "Saifullah" wrote to Yemer including some information on travel to Pakistan:

Cant wait to meet with you, you will iA be pleased with my Jammāt Dawah Very sweet brothers who are hungry to show the world Islam and convert it-lol see you iA. We will also tour the famous Islamic sites/mosques in Pakistan iA. look into what you would like to check out here. your stay will be limited (visa) for 3 months i beleive. And the North (nwfp) areas are sensitive now so we cannot go there..for our safety. But besides that everything is beautiful iA

8. In or about September 2009, Minni and Yemer told Khan of their communications with "Saifullah" and recruited Khan to join them in traveling to Afghanistan to engage in violent *jihad*. Khan agreed. Thereafter Minni, Yemer, and Khan recruited Chaudhry to join them, and Chaudhry agreed to do so. Finally, Minni, Yemer, Khan, and Chaudhry approached Zamzam to recruit him. Zamzam agreed to travel with them to Afghanistan to wage *jihad*.

9. On or about October 18, 2009, "Saifullah" wrote to Minni telling him that they should communicate, but to "[u]se code words, but not to an extreme so I wont be able to understand iA." "Saifullah" also wrote, "to be safe lets not talk like believers or greet each other properly or even say His name." He ended the message asking for a status on "our project" and "May we be united soon."

10. On or about October 19, 2009, Minni responded:

- Money situation is good
- Passes have arrived for some and still coming for others
- Still need few weeks, so it seems

11. On or about October 22, 2009, Minni wrote, "Are you safe? Are u in uz af pk or waz? Does anyone else know about this in case anything happens to you?" On or about October 26, 2009, "Saifullah" responded,

yes, thank you. i am good for now. but i must go today and cut up the smelly pigs(i will be gone for 40 days give or take). im in waz in the middle of af and pk..i have handed info over to a close brother of mine. if i fly in the sky he will be with you. i have done some thinking with the brothers, and we thought of only you or the smartest one of you visit me for a lil schooling then you go back and do homework and teach your brothers and work where u at...arrive @ karachi,pk. i will have a plan made (let me know 2-3 weeks prior when your about to peace out).

12. On or about October 24, 2009, Zamzam and Chaudhry had an online chat during which Chaudhry told Zamzam that Zamzam was "about to get 72 [wives] buddy" and that it was "a great trade right?" Chaudhry then asked Zamzam:

Chaudhry: you ready to [join in *jihad*]?

Zamzam: yea bro just busy with midterms

Chaudhry: yeah must be hard to think of being at 2 places at once

Zamzam: yea

13. On October 28, 2009, Minni wrote to "Saifullah," "Once any of us leaves, it will cause an alarm in our community, jus like the minesota boys who left. It will b impossible for any of us to return here bro." On or about October 30, 2009, Minni wrote, "we have done much on our side as far as shots/preparation but were wondering how do many of the bros fair there as far as health goes." Over the next several days, Minni and "Saifullah" discussed cover stories that Minni and the others might use to travel to Pakistan to meet with "Saifullah" and his "brothers."

14. On or about November 6, 2009, Chaudhry received an email from the U.S. Department of State informing him that it had finished processing his passport and that

the passport had been mailed to him and that it would arrive on Monday, November 8, 2009. A few hours later, Chaudhry had this online chat with Zamzam about this “great news”:

Chaudhry: my six flags ticket has been mailed and will arrive on monday

Zamzam: ur pass?

Chaudhry: yea

Zamzam: season pass awesome! . . . did u tell Ahmed?

Chaudhry: yes so we can meet on sunday and finish our six flags trip planning

Zamzam: yea def we need to asappp :)

15. On or about November 10, 2009, Minni wrote,

i talked with the bros and we cant do [a suggested] plan because it will take too long and its not possible for various reasons. we understand being patient is important but for our reasons we cant delay. among us are pakistani. We will ia arrive in late Nov with a good cover story. how should we proceed

16. On or about November 13, 2009, “Saifullah” wrote,

dont buy anything yet... our brothers and i have been doing some thinking... you and your brothers are very crucial for other work. i will discuss with you later this path isnt always how you see it in the vids..it takes much patience, really. i am on this side and cant go back and if i could than i would but being behind you know what is stopping me. i have spent much time here 13 mnths and working abroad is more affective if you know what i mean. you don't have to come here than go back. you can take a vacation in turkey- learn a few tricks and start on homework slowly and at a pace you feel you can handle- and meet with my brothers. i know your eagerness to get away but work like this helps our community so much more.

17. On November 18, 2009, Chaudhry and Zamzam had the following online chat:

Chaudhry: did you get your season pass tix?
Zamzam: idk if ahmed n waqar got em or not
Chaudhry: i think they are supposed to get it today
Zamzam: k sounds good u find a wife yet?
Chaudhry: is it necessary anymore?
Zamzam: i think u guys r getting ur six flags tickets today also
Chaudhry: i gave my info to a muslim burial business but no call back :(
Zamzam: just stay low key anything local bro

THE FINAL MESSAGE VIDEO

18. In or about late-November 2009, the defendants created, caused to be created, or adopted the statements contained in a video on a USB drive in a file named, Aafinalmessage.@ The video was approximately eleven minutes long, and included both English and Arabic. The video included background music, graphics, text, and film clips of U.S. soldiers in Iraq and photographs of civilian casualties. During the video, Zamzam was the sole speaker. He discussed a Muslim's obligation to engage in *jihad* to defend Muslims and Muslim lands. At one point, while the video showed footage of U.S. forces, Zamzam said on the video, "when Muslim lands are invaded, when Muslim children are terrorized, when Muslim women are raped, when our brothers and sisters are attacked and killed, . . . *jihad* becomes, by the consensus of the scholars . . . , an individual obligation . . . to defend his brothers and sisters and give them victory." The video then bore a message saying, "physical jihad against the disbelievers becomes obligatory . . . [w]hen the Muslim is present in a jihad situation . . . [or] when the enemy has come and attacked a Muslim land." Minni recorded and edited the "final message" video.

19. On or about the evening of November 26-27, 2009, the defendants went to a computer repair shop in Lorton, Virginia, within the Eastern District of Virginia. There, Zamzam used a desktop computer inside the shop to play for the other defendants the video described above. After playing the video, Zamzam told an individual who was present to upload the video from a USB drive to a website. Zamzam told the individual to create a hyperlink to the video and to email the link to a list contained on a second USB drive. Zamzam gave the individual a user name and password for an account to use in uploading the video.

20. On or about November 28, 2009, Khan gave an individual two USB drives and told the individual, "this is from Ramy. You'll know when to open it." One of the USB drives contained the video of Zamzam described above. It was the defendants' intention that the "Final Message" video ultimately would be made publicly available through YouTube.

THE DEFENDANTS' PASSAGE TO PAKISTAN

21. The plan to travel to Pakistan originated with Minni, based upon his contact with "Saifullah." Minni was responsible for communicating messages from "Saifullah" to the rest of the defendants.

22. The defendants prepared for the trip to Pakistan for four months, including obtaining money and passports. In or about November 2009, the defendants withdrew thousands of dollars from various accounts in anticipation of traveling to Pakistan to engage in *jihad*. Zamzam obtained some of the money from his educational aid, and Khan provided approximately \$20,000 that he withdrew from relatives' accounts.

23. Minni continued to post messages for “Saifullah” until the defendants left for Pakistan. Once in Pakistan Minni attempted to contact “Saifullah” in an effort to make arrangements to meet with “Saifullah” and his “brothers.”

24. On or about November 30, 2009, an individual had a telephone conversation with Zamzam, during which Zamzam said that he and the other defendants were overseas. The individual asked Zamzam if he would ever see Zamzam again, to which Zamzam replied, “no.”

25. Once in Pakistan, Minni and Chaudhry created an email account, the purpose of which was to allow the defendants to communicate in the event that they became separated or lost communication with each other.

26. On or about December 3, 2009, Minni, who was in Pakistan at the time, corresponded with a number of persons via YouTube asking whether they were at the “frontlines” and reporting that he and his friends were in Pakistan seeking assistance. One of the YouTube users who responded was “Freedomisour.” Minni sent a message to “Freedomisour” with the subject “caravan” in which he stated, “salam akhi, are you in the front lines? if so I need some help, im in pk.” “Freedomisour” responded in a message that translated as “My dear brother, write in Urdu because there is a lot of spying going on here What if I tell you I am in that place you asked about, then my brother? You can ask me what you want to ask. Peace.” Minni replied, “saifullah (SoA74) invited us but he hasn’t been on for a while and we are trying to find a door to the frontlines. Jzk.” In a later message, Minni said, “I am from the US. I am in Sindh right now. You tell me, should I go to work?” “Freedomisour” responded, “brother go to the channel of my brother . . . ask him further he is also in pakistan.”

27. Because the defendants had difficulty contacting “Saifullah” once in Pakistan, the defendants initiated their own efforts to get into Afghanistan. Waqar and Chaudhry went into the town of Hyderabad to research local mosques that could help the defendants join in *jihad*. Waqar and Chaudhry found one that they understood to be associated with *Jaish-e-Mohammed*, a designated foreign terrorist organization. When Waqar and Chaudhry went there, they spoke with a man about joining in *jihad*. The man gave them a piece of paper with the name of a mosque, “Babal Islam,” written on it. The defendants went to that mosque and encountered another man, with whom they discussed becoming *mujahideen* and joining in *jihad*. The next day, this man introduced Zamzam and Chaudhry to the emir of the mosque. The emir told Zamzam and Chaudhry to go to Lahore where there was a headquarters for a camp of *mujahideen*.

28. The day after they met the emir, the defendants left Hyderabad for Lahore and went to the location described by the emir, which was a mosque. The defendants understood the location to be associated with *Jamaat-ud-Dawa*. At the location, the defendants encountered people of whom asked the defendants why they were there. The *Jamaat-ud-Dawa* representative told the defendants that the defendants would need a reference before they would be accepted. The *Jamaat-ud-Dawa* representative told the defendants that because Chaudhry was a dual citizen and had family living in Pakistan, they should get a reference from one of Chaudhry’s family members in Sargodha. The representative told them that they should go to the *Jamaat-ud-Dawa* office in Sargodha after they obtained the reference and then the organization could take

all of the defendants in. The defendants then traveled to Sargodha and contacted one of Chaudhry's relatives.

29. At all times, the defendants understood that while engaged in *jihād* in Afghanistan, they would likely encounter U.S. military forces. The defendants intended to fight and, if necessary, to kill any U.S. military forces that opposed the defendants or their fellow *jihādists*.

THE DEFENDANTS' ARRESTS IN PAKISTAN

30. On or about December 9, 2009, the defendants were taken into custody by Pakistani law enforcement authorities in Sargodha, Pakistan. Among the defendants' belongings were handwritten notes and lists. One was a list of cities in Pakistan that Minni prepared in Pakistan while searching the Internet. Next to four city names on the list are the initials "JeM," *i.e.*, *Jaish-e-Mohammed*. Under the initials "JeM" is "Markaz Babal Islam," the name of the mosque given to the defendants by the man at the Hyderabad mosque associated with *Jaish-e-Mohammed*. The list also referred to the Hyderabad mosque itself. There was also a reference to *Jamaat-ud-Dawa* under "Lahore."

CONCLUSION

31. Defendant Ahmed Ameer Minni agrees that the foregoing facts establish that at least from in or about November 2009 through on or about December 9, 2009, within the Eastern District of Virginia and elsewhere, the defendants knowingly conspired and agreed among themselves and with others to provide material support and resources to *Jaish-e-Mohammed* and *Lashkar-e-Tayyiba* (also known as *Jamaat-ud-Dawa*), both of which are designated foreign terrorist organizations. The material

support and resources that the defendants conspired to provide included, but was not necessarily limited to, the defendants' services and the defendants themselves as personnel in engaging in armed fighting and other acts of violence in Pakistan and Afghanistan against U.S. forces and U.S.-allied forces operating there.

32. This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the defendant or to the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

33. The actions of the defendant, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

Respectfully submitted,

Jessica D. Aber
United States Attorney

Date: April 21, 2023

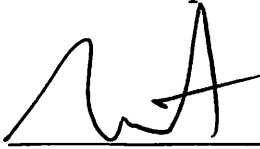
By: 

John T. Gibbs
Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, Ahmed Ameer Minni, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proven the same beyond a reasonable doubt.


Ahmed Ameer Minni

I am the defendant's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.


Marc J. Eisenstein
Attorney for the Defendant